

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAMARIO JOSEPH BARDO,  
Petitioner,

v.

KEN CLARK, Warden,  
Respondent.

Case No. 19-00759 BLF (PR)

**ORDER GRANTING MOTION  
FOR EXTENSION OF TIME TO  
FILE OPPOSITION;  
INSTRUCTIONS TO THE CLERK**

(Docket No. 33)

Petitioner, a California state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 with the assistance of counsel. On October 28, 2019, the Court granted Petitioner's motion to dismiss counsel of record and reopened the matter to permit Petitioner an opportunity to file an opposition to Respondent's motion to dismiss the petition for failure to exhaust state court remedies. Dkt. Nos. 20, 23.

When Petitioner filed a response stating that he had not received any files from his former counsel, the Court granted his request to have counsel provide him with all records relevant to this case in an order filed December 4, 2019. Dkt. No. 25. Counsel was requested to file notice with the Court within twenty-eight days of the order that he had provided Petitioner with all the relevant papers in this matter. *Id.* Petitioner was granted an extension of time to file an opposition, such that his brief was due no later

1 than January 29, 2020. *Id.*

2 On February 5, 2020, the Court granted Petitioner's second motion for an extension  
3 of time based on his assertion that he had not yet received any documents notwithstanding  
4 the fact that former counsel had filed notice that he mailed the entire file to Petitioner at  
5 Corcoran State Prison. Dkts. No. 26, 27, 28.

6 On March 20, 2020, Petitioner filed a third motion for an extension of time to file  
7 opposition asserting that counsel had still not provided him with his documents. Dkt. No.  
8 31. Petitioner was granted another extension of time on March 30, 2020, giving him an  
9 additional twenty-eight days from the order to file an opposition. Dkt. No. 32. The Clerk  
10 was ordered to forward a copy of the order to former counsel, and request counsel to send  
11 Petitioner another copy of the relevant record to Petitioner's current place of confinement  
12 at CSATF/SP-E3-207-Low, P.O. Box 5242, Corcoran, CA 93212, and file notice with the  
13 Court of his response. *Id.*

14 On April 27, 2020, Petitioner filed a fourth motion for extension of time to file  
15 opposition, still asserting that counsel had not provided him with his documents. Dkt. No.  
16 33. To date, the Court has not received a notice from former counsel that he has provided  
17 documents to Petitioner. However, there is no indication on the docket that the last court  
18 order was sent to former counsel. Dkt. No. 32-1.

19 Good cause appearing, Petitioner's motion for an extension of time is **GRANTED**.  
20 Petitioner's opposition shall be filed **no later than twenty-eight (28) days** from the filing  
21 date of this order. The Clerk shall forward a copy of this order and the last court order,  
22 Dkt. No. 32, to former counsel at **Law Office of Evans D. Prieston, P.C., 47-40 21<sup>st</sup>**  
23 **Street, 10<sup>th</sup> Fl., Long Island, NY 11101**. Counsel is requested to mail the documents to  
24 **Mario D. Bardo, AZ9234, CSATF/SP-E3-207-Low, P.O. Box 5242, Corcoran, CA**  
25 **93212**. Counsel is requested to respond in accordance with the court orders in a timely  
26 manner.  
27  
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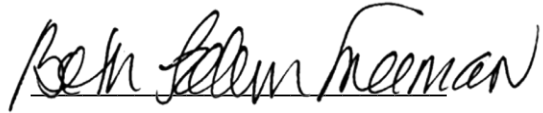
United States District Court  
Northern District of California

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This order terminates Docket No. 33.

**IT IS SO ORDERED.**

Dated: May 15, 2020



BETH LABSON FREEMAN  
United States District Judge